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SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793			O'CONNOR, GERALD J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20060106

Application Number: 09/821,441
Filing Date: March 29, 2001
Appellant(s): Odom et al.

Steven H. Slater
(Reg. No. 35,361)
For Appellant

EXAMINER'S ANSWER

This examiner's answer has been prepared in response to appellant's brief on appeal filed
August 18, 2005.

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(1) *Real Party in Interest*

A statement identifying by name the real party in interest is contained in the brief.

(Assignee of record, *GSC Enterprises, Inc.*)

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. (None.)

(3) *Status of Claims*

The statement of the status of claims contained in the brief is correct.

(Claims 7-13 are pending, rejected, and appealed.)

(Claims 1-6 and 14-33 have been cancelled.)

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(An after-final amendment canceling non-elected claims 21-33 was filed and entered.)

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal contained in the brief is correct:

- I. Claims 7-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vak et al. (US 5,473,143).
- II. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vak et al. (US 5,473,143), in view of Graves et al. (US 5,652,802).

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

The following is a listing of the evidence (e.g., patents, publications, official notice, and admitted prior art) relied upon in the rejection of claims under appeal:

5,473,143	Vak et al.	12/1995
5,652,802	Graves et al.	7/1997

(9) *Grounds of Rejection*

I. Claims 7-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vak et al. (US 5,473,143).

Vak et al. disclose a method for processing an in-person bill payment at a point-of-sale location 26, 28, 34 (see, in particular, column 8, lines 11-16), comprising: identifying a biller for whom payment of a payment transaction is to be received (inherent in sending the message); obtaining transaction information concerning the payment and receiving the payment (see, for example, column 11 at line 32); assigning a transaction identifier to the transaction (see, in particular, column 13, line 49 et seq., regarding logging of each transaction, as well as column 18, lines 39-67); scanning at least one transaction document and generating at least one electronic image therefrom (see, in particular, column 10, line 42 et seq.); storing each electronic image in an image memory 174 with an image identifier linked to a transaction identifier (inherent, as the system "knows" where the image is stored and to which transaction the image pertains); transmitting the transaction information to a payment server 52; receiving from the payment server instructions regarding the transaction (see, in particular, column 6, lines 29-39); and, transmitting to an image server 120 a copy of each electronic image and the image identifier and linked transaction identifier.

Regarding claim 8, the method of Vak et al. further comprises storing the transmitted transaction information in a transaction database 232; storing the transmitted electronic image and identifiers in an image database 126; and, forwarding selected transaction information and at least a portion of the received payment to the biller (i.e. paying the bill).

Regarding claim 9, the method of Vak et al. further comprises detecting magnetically stored information located on the at least one transaction document and converting the magnetically stored information into electronic transaction information (see, in particular, column 11, line 14 et seq.).

Regarding claim 10, the method of Vak et al. further comprises generating transaction information from the electronic image through optical character recognition (see, in particular, column 10, line 42 et seq.).

Regarding claims 12-13, the method of Vak et al. further comprises receiving from the payment server additional system update instructions (see, in particular, column 19, lines 6-15) that include a list of billers for whom in-person bill payment is authorized (since the bills are paid via messages to biller addresses and the biller addresses can be stored/updated as message address information on card 48 via system update instructions received from server 52).

II. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vak et al. (US 5,473,143), in view of Graves et al. (US 5,652,802).

Vak et al. disclose a method for processing an in-person bill payment at a point-of-sale location, including generating transaction information from an electronic image through optical character recognition, as applied above in the rejection of claims 7 and 10 under 35 U.S.C. 102(b), but Vak et al. do not specifically disclose generating the transaction information by comparing the electronic image to a pre-stored template containing an expected electronic

image. However, Graves et al. disclose a method of optical character generation that indeed comprises comparing the scanned electronic image to a pre-stored template containing an expected electronic image in order to identify and authenticate the scanned document (see, for example, the abstract). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Vak et al. so as to generate the transaction information by comparing the electronic image to a pre-stored template containing an expected electronic image, in accordance with the teachings of Graves et al., in order to identify and authenticate the scanned document.

(10) Response to Argument

I. Claims 7-10, 12, and 13 are unpatentable under 35 U.S.C. 102(b) for being anticipated by Vak et al. (US 5,473,143).

Regarding the argument that *Vak et al.* does not refer to the device to which the information is transmitted as an “image server,” it is the finding of the examiner, as trier-of-fact, that the device in *Vak et al.* is indeed an “image server,” since the disclosure in a reference must show the claimed elements arranged in the same manner as in the claims, but need not be in the identical words as used in the claims in order to be anticipatory. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Moreover, a “server” is merely defined as any, “computer or program that controls a central repository of data that can be downloaded and manipulated in some manner by a client.”

See *The American Heritage® Dictionary of the English Language*, Third Edition copyright ©

1992 by Houghton Mifflin Company. Therefore, whereas the so-called “microprocessor” of *Vak et al.* is indeed a “computer or program that controls a central repository of data that can be downloaded and manipulated in some manner by a client,” the “microprocessor” of *Vak et al.* is indeed properly considered a “server,” and whereas the “repository of data” in the “server” of *Vak et al.* includes “images,” the server of *Vak et al.* is indeed properly considered an “image server,” since, during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow. See *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Regarding the argument that because the image server 120 of *Vak et al.* is part of POS terminal 12, applicant considers the examiner to be considering POS terminal 12 to be the image server and camera 184 is also part of POS terminal 12 so the image is not being transmitted, the argument is deemed specious, since the examiner does *not* consider the POS terminal 12 to be the image server, the examiner considers element 120 of *Vak et al.* to be the “image server,” as was stated explicitly in the rejection, and the image is certainly “transmitted,” as claimed by applicant, from the camera 184 to the image server 120 (since the image has no other way of getting there other than by being “transmitted” through the electrical connections therebetween).

Regarding the argument that assigning an image identifier to an image of the transaction and linking that image identifier to the transaction identifier is not inherent to the method of *Vak et al.*, assigning an image identifier to the image of the transaction and linking that image identifier to the transaction identifier is indeed inherent to the method of *Vak et al.*, because doing so must necessarily occur, since without an image identifier (for example, a filename of the stored image

file) linked to the transaction identifier, the method would not be able to work/function as disclosed because the image could not be retrieved/utilized. By way of further example, files on a computer disk are not erased when they are deleted--“deleting” a computer file merely deletes the file identifier (image identifier if the file is a stored image) that describes where on the disk the file is stored in terms of clusters or other disk addressing scheme, not the actual file itself.

Regarding the argument that *Vak et al.* fail to disclose linking the image identifier to a transaction identifier because the image of *Vak et al.* is used to perform OCR of the image in order to obtain the data therefrom, *Vak et al.* obviously *must* link the image being scanned to the transaction being read/saved, because otherwise the system would not know with which transaction to associate the data being OCR'd from the image, thus would fail to operate as disclosed.

Regarding the argument that *Vak et al.* does not refer to the “transaction log” as a “database,” it is the finding of the examiner, as trier-of-fact, that the “transaction log” in *Vak et al.* is indeed properly considered an “database,” since the disclosure in a reference must show the claimed elements arranged in the same manner as in the claims, but need not be in the identical words as used in the claims in order to be anticipatory. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Moreover, a “database” is merely defined as any, “collection of data arranged for ease and speed of search and retrieval.” See *The American Heritage® Dictionary of the English Language*, Third Edition copyright © 1992 by Houghton Mifflin Company. Therefore, whereas the so-called “transaction log” of *Vak et al.* is indeed a “collection of data arranged for ease and

speed of search and retrieval,” the “transaction log” of *Vak et al.* is indeed properly considered a “database,” since, during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow. See *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Regarding the argument that the method of *Vak et al.* fails to comprise storing an image, an image identifier, and a transaction identifier, the method of *Vak et al.* indeed comprises storing an image, an image identifier, and a transaction identifier, as the method of *Vak et al.* includes assigning a transaction identifier to the transaction (see, in particular, column 13, line 49 et seq., regarding logging of each transaction, as well as column 18, lines 39-67); scanning at least one transaction document and generating at least one electronic image therefrom (see, in particular, column 10, line 42 et seq.); storing each electronic image in an image memory 174 with an image identifier linked to a transaction identifier (inherent, as the system “knows” where the image is stored and to which transaction the image pertains); transmitting the transaction information to a payment server 52; receiving from the payment server instructions regarding the transaction (see, in particular, column 6, lines 29-39); and, transmitting to an image server 120 a copy of each electronic image and the image identifier and linked transaction identifier.

II. Claim 11 is unpatentable under 35 U.S.C. 103(a) for being obvious over Vak et al. (US 5,473,143), in view of Graves et al. (US 5,652,802).

Regarding the argument that *Graves et al.* does not refer to the “optical encoding” as “optical character recognition,” it is the finding of the examiner, as trier-of-fact, that the “optical

encoding” 32 in *Graves et al.* is indeed properly considered an “optical character recognition,” since the disclosure in a reference must show the claimed elements arranged in the same manner as in the claims, but need not be in the identical words as used in the claims in order to be anticipatory. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Moreover, “optical character recognition” is merely defined as any, “use of light-sensitive devices to identify and encode printed or handwritten characters.” See *The American Heritage® Dictionary of the English Language*, Third Edition copyright © 1992 by Houghton Mifflin Company. Therefore, whereas the so-called “optical encoding” 32 (see, for example, Fig. 1) of *Graves et al.* is indeed the “use of light-sensitive devices to identify and encode printed or handwritten characters,” the “optical encoding” of *Graves et al.* is indeed properly considered “optical character recognition,” the entire point of the system being to “recognize” the “characters” on the document using “optical” means, in order to identify the document, and since, during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow. See *In re Zletz*, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

Lastly, the teaching of *Graves et al.* relied upon in the rejection of claim 11 was merely for the aspect of comparison of the scanned information to a template, no more. *Vak et al.* clearly performs OCR, as argued by applicant, and the proposed modification was to *Vak et al.*, not to *Graves et al.* No modification to *Graves et al.* was proposed.

For all of the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


 1/6/06


Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627

GJOC

January 6, 2006

Appeal Conference Held:

Alex Kalinowski 
Supervisory Patent Examiner
Group Art Unit 3627

Sam Sough 
Supervisory Patent Examiner
Appeal Conference Specialist
Technology Center 3600

Application: 09/821,441

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Slater & Matsil, L.L.P.
17950 Preston Rd, Suite 1000
Dallas, TX 75252-5793